PROCEEDINGS OF THE EIGHTY-THIRD ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

CHAIRMAN OF THE COMMITTEE ON THE ANNUAL MEETING
Jordan Paust

EDITOR OF THE PROCEEDINGS
George Denney
ASST. EDITOR: *Virginia Cornett*

CONTENTS

Featured Addresses

Annual Dinner
Address by: Ambassador Thomas R. Pickering 1

Combined Luncheon with the Canadian Council of International Law
Address by: Ambassador L. Yves Fortier 7

Joint Luncheon with the Section of International Law and Practice of the American Bar Association
Address by L. Stanley Chauvin, Jr. 14

Global Trading in Financial Instruments: Market Developments and Regulatory Challenges

Co-sponsored by The American Society of International Law, IIT Chicago-Kent College of Law Graduate Program in Financial Services Law, and the Interest Group on International Economic Law

REMARKS BY:
Ronald Brand 19
Arthur Hahn 19

Survey of Current Trading in Financial Instruments

MODERATOR: Ronald Brand 21

REMARKS BY:
Paula Tosini 21
Paul Gottlieb 25
Todd Petzel 30
Fred Grede 32

Business, Banking and Payments

MODERATOR: Michael Malloy 37

REMARKS BY:
Michael Malloy 37
Hayao Shiraishi 37
Karl Scheld 39
John McPartland 41
Tim Buell 43

Luncheon address by Leo Melamed 44

Twenty-four Hour Trading

MODERATOR: Arthur W. Hahn 47

REMARKS BY:
Arthur W. Hahn 47
John Stassen 47
Jerrold E. Salzman 49
Mark Harding 50
David R. Ganis 53

Jurisdiction Issues

MODERATOR: Philip N. Hablutzel 54

REMARKS BY:
Andrea Corcoran 54
Mark Harding 56
Lawrence H. Hunt, Jr. 58
Ronald H. Filler 60

DISCUSSION 62

International Law and Protection of the Atmosphere

CHAIR: Günther Handl 62

REMARKS BY:

Günther Handl 62
Scott A. Hajost 66
Lothar Gündling 72
Sharon Williams 75

DISCUSSION 80

International Debt: How Can Developing Countries Regain Creditworthiness?

CHAIR: Cynthia Lichtenstein 87

REMARKS BY:

Cynthia Lichtenstein 87
Tobias M.C. Asser 89
John Williamson 94

Capital Flight and the Creditworthiness of Developing Countries. Stephen Zamora 100

COMMENTARY BY:

Richard W. Edwards, Jr. 105

DISCUSSION 106

Researching International Law

CHAIR: Lyonette Louis-Jacques 107

REMARKS BY:

Igor I. Kavass 107
Amelia Porges 111
John Strzynski 117

DISCUSSION 120

International Law and Solutions to the Arab-Israeli Conflict

CHAIR: Burns Weston 121

REMARKS BY:

Burns Weston 121
Francis Boyle 122
Gidon Gottlieb 125
Ibrahim Abu-Lughod 127
Malvina Halberstam 130

DISCUSSION 134

Developments in the Law of Naval Warfare: Custom or Codification?

CHAIR OF THE LIEBER GROUP: J. Ashley Roach 145

REMARKS BY:

Theodor Meron 145
Louise Doswald-Beck 146
L.F.E. Goldie 146
J. Ashley Roach 148

DISCUSSION 149

The Interest Group on Avoidance and Resolution of International Economic Disputes

CHAIR: Seymour J. Rubin 152

REMARKS BY:

Seymour Rubin 152

The Interest Group on Wildlife Law

CHAIR: Edward Lee 154

United Nations Convention on the Rights of the Child

CHAIR: Joan Fitzpatrick 155

REMARKS BY:

Joan Fitzpatrick 155

Toward Adoption of the United Nations Convention on the Rights of the Child: A Policy-Oriented Overview.
Lung-chu Chen 157

REMARKS BY:
Cynthia Price Cohen 162
Thomas A. Johnson 166

The Convention on the Rights of the Child: A Canadian Perspective. John T. Holmes 172

COMMENTARY BY:
Per Miljeteig-Olssen 177

DISCUSSION 178

U.S.S.R.'s Entry Into the International Economic System

CHAIR: Dorinda Dallmeyer 183

REMARKS BY:
Dorinda Dallmeyer 183
Christopher Osakwe 183
Natalia Platonova 190
Gabriel M. Wilner 193

DISCUSSION 196

The Antarctic Minerals Agreement

CHAIR: Sudhir K. Chopra 204

REMARKS BY:
Sudhir K. Chopra 204
Tucker R. Scully 205
Christopher C. Beeby 209
Robert Hayton 213
Christopher C. Joyner 216

DISCUSSION 222

Recent Developments in State Responsibility

CHAIR: Richard Lillich 224

REMARKS BY:
Richard Lillich 224

The Codification of the Law of State Responsibility. Mahnoush H. Arsanjani 225

REMARKS BY:
Thomas E. Carbonneau 229

State Responsibility Under the Restatement. Stephen D. Ramsey 232

State Responsibility and the Iran-United States Claims Tribunal. Jamison M. Selby 240

DISCUSSION 246

The Canada-U.S. Free Trade Agreement: New Directions in Dispute Settlement

CHAIR: Richard Bilder 251

REMARKS BY:
Richard Bilder 251
Michael R. Leir 252
Robert E. Hudec 257
Jean Anderson 263

DISCUSSION 267

The Year of International Law in Review

CHAIR: Tom Farer 272

REMARKS BY:
Peter Trooboff 272
Michael Glennon 275
Claudio Grossman 277
Edith Brown Weiss 280
Barry Carter 284
Alfred P. Rubin 287

DISCUSSION 289

Foreign Policy, Law and Administrations in Transition

CHAIR: John Lawrence Hargrove 295

REMARKS BY:

John Lawrence Hargrove 295
Tom Farer 297
Abram Chayes 299
Nicholas Rostow 300
Allan Gerson 301

DISCUSSION 307

Genocide: The Convention, Domestic Laws, and State Responsibility

CHAIR: Cherif Bassiouni 314

REMARKS BY:

Cherif Bassiouni 314
Jordan Paust 316
William M. Hannay 321

Prospects for Implementation of the Genocide Convention Under United States Law. Steven Lubet 323

REMARKS BY:

Benjamin Ferencz 326
Ved Nanda 327

DISCUSSION 329

European Trade, 1992: Fortress or Partnership?

CHAIR: Eric Stein 332

REMARKS BY:

Eric Stein 332
Joseph Weiler 334
Richard O. Plender 337
Roger J. Goebel 340
Peter Brückner 343

COMMENTARY BY:

Auke Haagsma 347

DISCUSSION 348

Southern Africa: Prospects for Peace?

CHAIR: Adrien K. Wing 350

REMARKS BY:

Adrien Wing 350

The Recurrence of Hostilities in Namibia on the Eve of Implementation of Security Council Resolution 435. Gay J. McDougall 350

REMARKS BY:

Elizabeth Landis 358
Winston P. Nagan 361

Prospects for Peace in Southern Africa: A View from Within. John Dugard 365

DISCUSSION 367

State Responsibility for Violations of Human Rights

SEMINAR MODERATOR: Theodor Meron 372

Developments in the International Law of Telecommunications

CO-CHAIRS: Robert R. Bruce and Stephen Gorove 385

REMARKS BY:

Stephen Gorove 385
Major Milton Smith 386
Ram Jakhu 390
Robert R. Bruce 393

Strategic Issues for a Global Telecommunications Market. Thomas J. Ramsey 394

REMARKS BY:
Siegfried Wiessner 400
DISCUSSION 403

Law in the U.S. Foreign Relations Process: Opening the Channels

CHAIR: James A.R. Nafziger 407
REMARKS BY:
James A.R. Nafziger 407
Elizabeth Verville 410
Richard Bilder 412
Detlev Vagts 415
John Norton Moore 418
DISCUSSION 422

Speech, Religious Discrimination, and Blasphemy

CHAIR: Hurst Hannum 427
REMARKS BY:
Hurst Hannum 427
Virginia Leary 428
Ved Nanda 430
M. Cherif Bassiouni 432
The New International Holy Alliance and the Struggle to Appropriate and Censor General Cultural Symbols. W. Michael Reisman 435

New Prospects and Initiatives for a Revived United Nations

CHAIR: Thomas Franck 439
REMARKS BY:
Thomas Franck 439
Thomas R. Pickering 439
Louis B. Sohn 441
Francesc Vendrell 442
Yehuda Z. Blum 443
Frederic L. Kirgis, Jr. 447
John P. Renninger 449
Herbert Reis 450

Chemical Warfare

CHAIR: L.F.E. Goldie 455
REMARKS BY:
Alfred P. Rubin 456
Paul C. Warnke 459
Lynn M. Hansen 462
Torsten Stein 465
Chemical Weapons: Designing Operable Systems for Enforcing Restraint. W. Michael Reisman 468
DISCUSSION 478

Public Acts of State, the Foreign Sovereign Immunities Act, and the Judiciary

CHAIR: Hurst Hannum 483
REMARKS BY:
Joseph W. Dellapenna 483
The Foreign Sovereign Immunities Act and Act of State. Malvina Halberstam 487
REMARKS BY:
Stefan Riesenfeld 492
DISCUSSION 494

International Aspects of Discovery

CHAIR: Andreas Lowenfeld 495
REMARKS BY:
Andreas Lowenfeld 495
Bruno A. Ristau 496

W. David Braun 498
Spencer Weber Waller 499
Chantal Bernier 501
Auke Haagsma 504
DISCUSSION 506

The Independence and Impartiality of International Judges

CHAIR: Edward Gordon 508
REMARKS BY:
Edward Gordon 508
Steven J. Burton 512
Richard Falk 516
Thomas Franck 519
DISCUSSION 523

Prospects for U.S. Ratification of the Convention Against Torture

CHAIR: David Weissbrodt 529
REMARKS BY:
David Weissbrodt 529
Paul Hoffman 531
James S. Reynolds 534
Robert E. Dalton 538
Joan Fitzpatrick 541
DISCUSSION 544

The Challenge of Universality

CHAIR: John Noyes 547
The Common Law Tradition. Mark W. Janis 547
REMARKS BY:
Elisabeth Zoller 550
William E. Butler 553
The Chinese Challenge to Universality. James V. Feinerman 556
Interdependence, Consent, and the Basis of International Obligation. Fernando R. Tesón 558
DISCUSSION 566

Current Developments Concerning the Settlement of Disputes Involving States by Arbitration and the World Court

CHAIR: Stephen M. Boyd 568
REMARKS BY:
Stephen M. Boyd 568
Abraham D. Sofaer 569
Georges R. Delaume 571
Fred L. Morrison 577
Lori Fisler Damrosch 580
DISCUSSION 584

1989 Philip C. Jessup International Law Moot Court Competition 590

Appendices

Business Meeting 592
Eulogies 592
Report of the Executive Director 594
Election of Officers and Executive Council 598
Announcement of Awards 598
Report of the Editor-in-Chief of the *American Journal of International Law* 598
Elections to the Advisory Committee of ILM 599
Officers and Committees of the American Society of International Law for 1989-1990 600
American Journal of International Law: Board of Editors 601
International Legal Materials 602
Board of Review and Development 603

Report of the Committee on Publications of the Department of State and the United Nations 604
Benefactors 609
Participants 612
Constitution of the American Society of International Law
Act of Incorporation 615
Constitution 619
Regulations 623
Index 635